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12	UNITED STATES DISTRICT COURT		
13	CENTRAL DISTRICT OF CALIFORNIA		
14			
15	SONY CORPORATION,	Case No. CV-08-01135-RGK(FMOx)	
16	Plaintiff,	VIZIO, INC.'S OPPOSITION TO SONY CORPORATION'S	
17	V.	REQUEST FOR ORAL ARGUMENT	
	VIZIO, INC.,	MAGISTRATE JUDGE: HON.	
18	Defendant.	FERNANDO M. OLGUIN	
19		HEARING: 10:00 A.M. ON	
20		SEPTEMBER 2, 2009, AT 312 NORTH SPRING STREET, LOS ANGELES, CALIFORNIA	
21			
22		<b>DISCOVERY CUT-OFF DATE:</b> NOVEMBER 1, 2009	
23		PRETRIAL CONFERENCE DATE:	
24		JANUARY 10, 2010	
25		TRIAL DATE: JANUARY 26, 2010	
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Opp. To Req. For Arg. Case No. CV-08-01135-RGK(FMOx)

Defendant and Counterclaimant Vizio, Inc. (hereafter "Vizio") hereby opposes Plaintiff Sony Corporation's ("Sony's") Request For Oral Argument [Dkt. #96] regarding the parties' Joint Stipulation Regarding Vizio, Inc.'s Motion To Compel Expert Reports And Depositions, And To Compel Depositions Of Sony Witnesses In The United States [Dkt. #89]. Sony's request should be denied because oral argument is unnecessary. Sony has not identified any "misstatements" or "new arguments" that warrant additional argument. Moreover, holding oral argument will postpone resolution of the Vizio motion, thereby needlessly delaying the resolution of these issues when time is of the essence under the Court's discovery schedule.

- Sony no longer debates that it must bring its Rule 30(b)(6) deponents to the U.S. Vizio correctly stated that Sony is obliged to make them available in the Central District, where Sony chose to file suit, even though Sony has agreed only to make its 30(b)(6) designees available in the U.S. where they reside. Vizio would be willing to work with Sony in an effort to reach agreement to take the depositions of Sony's 30(b)(6) U.S.-based designees at a convenient U.S. location.
- Vizio's motion asked the Court to order Sony to produce its Rule 30(b)(6) witnesses in the U.S. with no exceptions. Sony first concedes that it must produce its 30(b)(6) witnesses in the U.S., but then refuses to designate the inventors--who are the only individuals having knowledge of the critical issues of inventorship, conception and reduction to practice of the alleged inventions of the asserted patents--for deposition. This tactic does not justify Sony's request for additional argument. Sony cannot refuse to comply with its obligations under the rules and then be heard to insist that its refusal is a basis for oral argument.

Sony's professed inability to understand the term "lead inventor" rings hollow; Sony knows full well that it is obligated under Rule 30(b)(6) to designate an individual knowledgeable regarding inventorship, conception and reduction to practice of the alleged inventions of the asserted patents, *i.e.*, a lead inventor, for each of Vizio's 30(b)(6) topics relating to those topics. Sony had no problem understanding the term "lead inventor" during the meet and confer process when Vizio requested that they be designated for certain 30(b)(6) topics.

- Sony admitted that the parties have discussed the issue of deposition locations continuously since February and March 2009 and expressly identified the parties' earliest discussions as "meet and confers about this issue . . . ." (See Joint Stip. at 11-12.) Sony now clings to an artificially narrow reading of Local Rule 37-1 in a vain attempt to feign surprise about a disputed issue that Vizio correctly stated "has been deadlocked since February 2009." (See Supp. Mem. at 5.) Sony's efforts to avoid or delay resolution of this disputed issue should be rejected. It is more clear than ever that the issues in Vizio's motion to compel cannot be resolved without Court intervention.
- Sony's attempt to use an aborted meet and confer regarding deposition *scheduling* as a basis for its failure to move for a protective order regarding deposition *location* is off-base. Faced with a motion seeking to compel Sony to produce its witnesses for deposition in the U.S., Sony had the burden to move for a protective order with respect to the location of such depositions. It did not. Its failure to take the proper steps does not warrant additional argument and is alone reason to grant Vizio's motion to compel.
- Finally, Sony's purported reservation of space at the United States

  Consulate in Osaka, Japan is irrelevant to the issues raised in Vizio's motion. The
  fact that Sony was able to reserve space for depositions in Japan does not mean that
  Vizio is required to take the depositions there. Sony's contrary claim is a
  quintessential bootstrap argument: Sony cannot force the depositions to Japan by
  reserving Consulate time there. If Consulate time were not available, would Sony
  concede that the depositions should proceed in the U.S.? Moreover, the Consulate
  time is likely unusable, because the reservation of Consulate time is only the first
  preliminary hurdle to clear in the burdensome process of taking depositions in
  Japan. In addition, an appropriate court order must be issued, interpreters, court
  reporters and videographers must be arranged for in Japan, and special deposition
  visas must be obtained from the Japanese Consulate for all those involved in the

1	depositions. These hurdles further support Vizio's argument that the depositions		
2	should go forward in the U.S. instead.		
3		CONCLUSION	
4	The	The Court should deny Sony's Request For Oral Argument because Sony has	
5	raised no issues warranting additional argument.		
6			YOMEG DAM
7	Dated:	August 25, 2009	JONES DAY
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9			By: /s/ Steven J. Corr Steven J. Corr
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11			Attorneys for Defendant Vizio, Inc.
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Opp. To Req. For Arg. Case No. CV-08-01135-RGK(FMOx)

1	PROOF OF SERVICE			
2	I, Beth A. Marchese, declare:			
3	I am a citizen of the United States and employed in Los Angeles County,			
4	California. I am over the age of eighteen years and not a party to the within-entitled			
5	action. My business address is 555 South Flower Street, 50 <sup>th</sup> Floor, Los Angeles,			
6	California 90071. On August 25, 2009, I served a copy of the within document(s):			
7	VIZIO, INC.'S OPPOSITION TO SONY CORPORATION'S REQUEST FOR ORAL ARGUMENT			
8	by transmitting via e-mail or electronic transmission the document(s) listed above.  I am familiar with the United States District Court, Central District of			
9				
10	California's practice for collecting and processing electronic filings. Under that			
11	practice, documents are electronically filed with the court. The court's CM/ECF			
12	system will generate a Notice of Electronic Filing (NEF) to the filing party, the			
13	assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities. Under said practice, the following CM/ECF users were served:			
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<ul><li>17</li><li>18</li></ul>	Kevin P.B. Johnson, Esq. kevinjohnson@quinnemanuel.com Quinn Emanuel Urquhart Oliver & Hedges 555 Twin Dolphin Drive, Suite 560			
19	555 Twin Dolphin Drive, Suite 560 Redwood Shores, CA 94065			
20	Steven M. Anderson, Esq. stevenanderson@quinnemanuel.com Rory S. Miller, Esq. rorymiller@quinnemanuel.com			
21	Rory S. Miller, Esq. rorymiller@quinnemanuel.com Quinn Emanuel Urquhart Oliver & Hedges 865 South Figueroa St., 10 <sup>th</sup> Floor			
22	Los Angeles, CA 90017			
23	On August 25, 2009, I also served a courtesy copy, pursuant to the agreement			
24	between the parties, by e-mail to opposing counsel at:			
25	sony-vizio@quinnemanuel.com			
26	I declare that I am employed in the office of a member of the bar of this court			
27	at whose direction the service was made.			
28				

1	Executed on August 25, 2009, at Los Angeles, California.
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3	/s/Beth A. Marchese
4	Beth A. Marchese
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28	Proof of Service

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